



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Dean A. Schaefer et al. Confirmation No.: 3074
Serial No.: 09/487,359 Examiner: R. Maiorino
Filing Date: January 19, 2000 Group Art Unit: 3763
Docket No.: 1001.1387101 Customer No.: 28075
For: INTRAVASCULAR CATHETER WITH AXIAL MEMBER

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TECHNOLOGY CENTER R3700

Mail Stop Amendment
Commissioner for Patents
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TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT (37 C.F.R. 1.321(c))

CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV 314495154 US, in an envelope addressed to:

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By Kathleen L. Boekley
Kathleen L. Boekley

The owner, SciMed Life Systems, Inc., of full interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,709,429. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent

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Reply to Office Action of May 24, 2004

granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

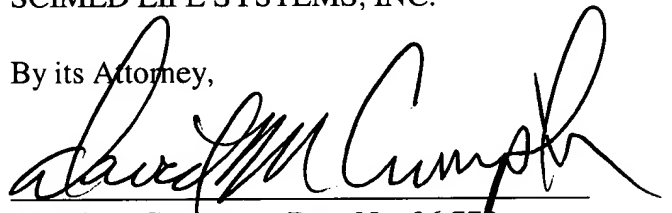
The undersigned is an attorney of record.

The terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

Respectfully submitted,

SCIMED LIFE SYSTEMS, INC.

By its Attorney,

A handwritten signature in black ink, appearing to read "David M. Crompton", written over a horizontal line.

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